

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	Case No. 8:04CR507
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
ALEJANDRO MARTINEZ,	)	
	)	
Defendant.	)	

Before the court is the government's motion for Rule 35(b) hearing. Filing No. 35. Having considered the matter,

IT IS ORDERED that:

1. A Rule 35 hearing is scheduled before the undersigned on **May 1, 2006, at 2:30 p.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska.

2. At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.

**3. The Marshal is directed not to return the defendant to the district; and the defendant is held to have waived his right to be present.**

4. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35(b) motion. If retained, counsel for the defendant remains as counsel for the defendant until the Rule 35(b) motion is resolved or until given leave to withdraw.

DATED this 5th day of April, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge